THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.NO.20339 OF 2005

Dated 20-09-2005

Between:

K. Venkat Reddy,

S/o.Ramchandra Reddy,

Ex.Driver, of APSRTC

Nalgonda region, Nalgonda

…Petitioner

A N D

The Depot Manager, APSRTC,

Sattenapally Bus Depot, Guntur District and another.

…Respondents

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ORDER:

The petitioner was appointed as a Driver in the Nalgonda region of A.P.S.R.T.C. He was transferred from one place to another. When he was working as Driver in the Sattenapally Depot, disciplinary proceedings were initiated against him, on the ground that he is unauthorisedly absent. Ultimately, through orders dated 30-05-2005, the 1st respondent removed the petitioner from service. The same is challenged in this writ petition, mainly on the ground that the 1st respondent does not have the jurisdiction to initiate the disciplinary proceedings, or to remove the

petitioner from service.

Sri P.Venkateswara Rao, learned counsel for the petitioner submits that the petitioner is on the rolls of the 2nd respondent

ever since his appointment, and it is only the 2nd respondent, who could have initiated the disciplinary proceedings, or pass any orders in it. He contends that, the fact that the services of the petitioner were kept at the disposal of the 1st respondent; does not entitle the latter to initiate disciplinary proceedings, or to remove the petitioner from service.

Sri R. Manmadha Reddy, learned Standing Counsel for the respondents, on the other hand, submits that the maintenance of records of the petitioner at the office of the 2nd respondent is only a matter of convenience, and the petitioner is an employee of the Corporation. He contends that once the petitioner was kept at the disposal of the 1st respondent, for performance of duties, the disciplinary proceedings can be initiated against him, for any lapse in the duties.

It is not in dispute that the petitioner has a remedy of appeal and review, as well as a right to raise an Industrial Dispute. It is true that the question raised by the petitioner touches upon the jurisdiction. The same, however, can be raised before the Labour Court also. Both the parties would be entitled to put forward their respective contentions and place the connected records, touching on the jurisdiction. The added advantage would be that, in addition to determining the question of jurisdiction, the Labour Court would also be in a position to adjudicate upon the merits of the matter. Therefore, this Court is not inclined to interfere with the impugned order.

Learned counsel for the petitioner submits that after being removed from service, the petitioner is residing in his native place at Narkatpally of Nalgonda District, and it would be difficult for him to raise an industrial dispute, at Guntur, within whose jurisdiction the 1st respondent is placed. In this regard, it needs to be observed that a workman can raise industrial dispute in any Labour Court, and there is no prohibition for the petitioner from raising the I.D., in Labour Court at Hyderabad.

In that view of the matter, the writ petition is disposed of, leaving it open to the petitioner to file I.D. before the Labour Court at Hyderabad. As and when it is filed, the concerned Labour Court shall entertain it, and dispose of the same as early as

possible. There shall be no order as to costs.

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L. NARASIMHA REDDY, J.

Dt.20-09-2005.

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